

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 72 be amended to read as follows:

- 1 Page 6, after line 42, begin a new paragraph and insert:
- 2 "SECTION 16. IC 3-8-2-2.2, AS AMENDED BY P.L.26-2000,
- 3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2004]: Sec. 2.2. (a) A candidate for a school board office must
- 5 file a petition of nomination in accordance with IC 3-8-6 and as required
- 6 under IC 20-3 or IC 20-4. The petition of nomination, once filed, serves
- 7 as the candidate's declaration of candidacy for a school board office.
- 8 (b) A candidate for a school board office is not required to file a
- 9 statement of organization for the candidate's principal committee by
- 10 noon seven (7) days after the final date for filing a petition of
- 11 nomination or declaration of intent to be a write-in candidate unless the
- 12 candidate has received contributions or made expenditures requiring the
- 13 filing of a statement under IC 3-9-1-5.5.
- 14 **(c) This section applies only before January 1, 2006.**
- 15 SECTION 17. IC 3-8-2-15, AS AMENDED BY P.L.176-1999,
- 16 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 JULY 1, 2004]: Sec. 15. (a) A person who files a declaration of
- 18 candidacy for an elected office for which a per diem or salary is
- 19 provided for by law is disqualified from filing a declaration of candidacy
- 20 for another office for which a per diem or salary is provided for by law
- 21 until the original declaration is withdrawn.
- 22 (b) A person may file both:
- 23 (1) a declaration of candidacy under this chapter for nomination
- 24 to a federal or state office; and

(2) a written request under IC 3-8-3-1 that the person's name be placed on the ballot in a primary election as a candidate for nomination for the office of President of the United States.

(c) **This subsection applies only before January 1, 2006.** A person may not file:

- (1) a declaration of candidacy for a nomination; and
- (2) a petition of nomination or declaration of intent to be a write-in candidate for a school board office that is elected at the same time as the primary election.

If a person files both a declaration of candidacy and a petition of nomination described in this subsection, the matter shall be referred to the county election board under section ~~18~~ **14(b)** of this chapter. The board shall determine which document was most recently filed and shall consider the previously filed document to have been withdrawn.

SECTION 18. IC 3-8-2-19, AS AMENDED BY P.L.38-1999, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. (a) Upon receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

- (1) The title of each office.
- (2) The name of each individual who has filed a request to be placed on the presidential primary ballot.
- (3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot.
- (4) **This subdivision applies only before January 1, 2006.** The names and addresses of all persons who have filed a petition of nomination for election to a school board office to be chosen at the same time as the primary election.
- (5) The text of any public question to be placed on the ballot.
- (6) The date of the primary election.
- (7) The hours during which the polls will be open.

(b) The county election board shall do the following:

- (1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.
- (2) File a copy of the information described in subsection (a):
 - (A) with the election division; and
 - (B) in the minutes of the county election board.

(c) The county election board shall file the copies required under subsection (b)(2) not later than noon, ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

- (1) compilation of the information described in subsection (a) has

1 occurred; or
 2 (2) the board determines that it is impractical to recompile
 3 completely revised information;
 4 the board is only required to file a copy of the amendment with the
 5 minutes of the board.

6 SECTION 19. IC 3-8-2.5 IS ADDED TO THE INDIANA CODE AS
 7 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 8 2004]:

9 **Chapter 2.5. Declaration of Candidacy for School Board Office**

10 **Sec. 1. This chapter applies after December 31, 2005, to a**
 11 **candidate for a school board office.**

12 **Sec. 2. (a) A candidate for a school board office must file a**
 13 **petition of nomination in accordance with IC 3-8-6 and as required**
 14 **under IC 20-3 or IC 20-4. The petition of nomination, once filed,**
 15 **serves as the candidate's declaration of candidacy for a school**
 16 **board office.**

17 **(b) A candidate for a school board office is not required to file**
 18 **a statement of organization for the candidate's principal**
 19 **committee by noon seven (7) days after the final date for filing a**
 20 **petition of nomination or declaration of intent to be a write-in**
 21 **candidate unless the candidate has received contributions or made**
 22 **expenditures requiring the filing of a statement under**
 23 **IC 3-9-1-5.5.**

24 **Sec. 3. A declaration of candidacy for a school board office must**
 25 **be filed not later than noon seventy-four (74) days before the**
 26 **general election. The declaration must be subscribed and sworn to**
 27 **before a person authorized to administer oaths.**

28 **Sec. 4. A declaration of intent to be a write-in candidate for a**
 29 **school board office must be filed not later than noon five (5) days**
 30 **before the final date for the delivery of absentee ballots under**
 31 **IC 3-11-4-15 and not earlier than ninety (90) days before a**
 32 **general election. The declaration must be subscribed and sworn to**
 33 **before a person authorized to administer oaths."**

34 Page 10, between lines 33 and 34, begin a new paragraph and insert:

35 "SECTION 24. IC 3-8-6-14, AS AMENDED BY P.L.66-2003,
 36 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2004]: Sec. 14. (a) A person may not be selected as a
 38 candidate by petition of nomination without giving written consent and
 39 having it filed with the public official with whom certificates and
 40 petitions of nomination are required to be filed.

41 (b) Each candidate nominated by petition of nomination must satisfy
 42 all statutory eligibility requirements for the office for which the
 43 candidate is nominated, including the filing of statements of economic
 44 interest.

(c) All questions concerning the validity of a petition of nomination filed with the secretary of state or contesting the denial of certification under section 12(d) of this chapter shall be referred to and determined by the commission. A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 12(d) of this chapter must be filed with the election division under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(d) All questions concerning the validity of a petition of nomination filed with a circuit court clerk or contesting the denial of certification under section 12(d) of this chapter shall be referred to and determined by the county election board. A statement questioning the validity of a petition of nomination or contesting the denial of certification under section 12(d) of this chapter must be filed with the county election board under IC 3-8-1-2(c) or IC 3-8-1-2(e) not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(e) **This subsection applies only before January 1, 2006.** This subsection does not apply to a petition of nomination for election to a school board office subject to IC 3-8-2-14. The commission or a county election board shall rule on the validity of the petition of nomination or the denial of certification under section 12(d) of this chapter not later than noon sixty (60) days before the date on which the general or municipal election will be held for the office.

(f) **This subsection applies only before January 1, 2006.** This subsection applies to a petition of nomination for election to a school board office elected in a general election. All questions concerning the validity of the petition of nomination shall be referred to and determined by the county election board not later than noon fifty-four (54) days before the date of the general election. A statement questioning the validity of a petition of nomination must be filed with the county election board under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the general election.

(g) **This subsection applies after December 31, 2005. This subsection does not apply to a petition of nomination for election to a school board office. The commission or a county election board shall rule on the validity of the petition of nomination or the denial of certification under section 12(d) of this chapter not later than noon sixty (60) days before the date on which the general or municipal election will be held for the office.**

(h) **This subsection applies after December 31, 2005. This subsection applies to a petition of nomination for election to a school board office. All questions concerning the validity of the petition of nomination shall be referred to and determined by the**

1 **county election board not later than noon fifty-four (54) days**
 2 **before the date of the general election. A statement questioning**
 3 **the validity of a petition of nomination must be filed with the**
 4 **county election board under IC 3-8-1-2(c) not later than noon**
 5 **sixty-seven (67) days before the date of the general election."**

6 Page 20, between lines 28 and 29, begin a new paragraph and insert:

7 "SECTION 32. IC 3-10-1-19 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19. (a) The ballot for a
 9 primary election shall be printed in substantially the following form for
 10 all the offices for which candidates have qualified under IC 3-8:

11 **OFFICIAL PRIMARY BALLOT**

12 _____ Party

13 To vote for a person make a voting mark (X or ✓) on or in the box
 14 before the person's name in the proper column.

15 Vote for one only

16 Representative in Congress

17 ☐ (1) AB _____

18 ☐ (2) CD _____

19 ☐ (3) EF _____

20 ☐ (4) GH _____

21 (b) The offices with candidates for nomination shall be placed on the
 22 primary election ballot in the following order:

23 (1) Federal and state offices:

24 (A) President of the United States.

25 (B) United States Senator.

26 (C) Governor.

27 (D) United States Representative.

28 (2) Legislative offices:

29 (A) State senator.

30 (B) State representative.

31 (3) Circuit offices and county judicial offices:

32 (A) Judge of the circuit court, and unless otherwise specified
 33 under IC 33, with each division separate if there is more than
 34 one (1) judge of the circuit court.

35 (B) Judge of the superior court, and unless otherwise specified
 36 under IC 33, with each division separate if there is more than
 37 one (1) judge of the superior court.

38 (C) Judge of the probate court.

39 (D) Judge of the county court, with each division separate, as
 40 required by IC 33-10.5-4-2.

41 (E) Prosecuting attorney.

42 (F) Clerk of the circuit court.

43 (4) County offices:

44 (A) County auditor.

45 (B) County recorder.

- 1 (C) County treasurer.
- 2 (D) County sheriff.
- 3 (E) County coroner.
- 4 (F) County surveyor.
- 5 (G) County assessor.
- 6 (H) County commissioner.
- 7 (I) County council member.
- 8 (5) Township offices:
- 9 (A) Township assessor.
- 10 (B) Township trustee.
- 11 (C) Township board member.
- 12 (D) Judge of the small claims court.
- 13 (E) Constable of the small claims court.
- 14 (6) City offices:
- 15 (A) Mayor.
- 16 (B) Clerk or clerk-treasurer.
- 17 (C) Judge of the city court.
- 18 (D) City-county council member or common council member.
- 19 (7) Town offices:
- 20 (A) Clerk-treasurer.
- 21 (B) Judge of the town court.
- 22 (C) Town council member.
- 23 (c) The political party offices with candidates for election shall be
- 24 placed on the primary election ballot in the following order after the
- 25 offices described in subsection (b):
- 26 (1) Precinct committeeman.
- 27 (2) State convention delegate.
- 28 (d) **This subsection applies only before January 1, 2006.** The
- 29 following offices and public questions shall be placed on the primary
- 30 election ballot in the following order after the offices described in
- 31 subsection (c):
- 32 (1) School board offices to be elected at the primary election.
- 33 (2) Other local offices to be elected at the primary election.
- 34 (3) Local public questions.
- 35 (e) **This subsection applies after December 31, 2005. The**
- 36 **following offices and public questions shall be placed on the**
- 37 **primary election ballot in the following order after the offices**
- 38 **described in subsection (c):**
- 39 **(1) Other local offices to be elected at the primary election.**
- 40 **(2) Local public questions.**
- 41 (f) The offices and public questions described in subsection (d) or
- 42 (e) shall be placed in a separate column on the ballot if voting is by
- 43 paper ballot, ballot card voting system, or electronic voting system or
- 44 in a separate column of ballot labels if voting is by voting machine.
- 45 (f) (g) A public question shall be placed on the primary election

1 ballot in the following form:

2 (The explanatory text for the public question,
3 if required by law.)

4 "Shall (insert public question)?"

5 ☐ YES

6 ☐ NO

7 SECTION 33. IC 3-10-1-19.2 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 19.2. (a) Whenever
9 candidates are to be nominated for an office that includes more than one
10 (1) district, the districts shall be placed on the ballot in alphabetical or
11 numerical order, according to the designation given to the district.

12 (b) Whenever candidates are to be nominated for an office that
13 includes both an at-large member and a member representing a district,
14 the candidates seeking nomination as an at-large member shall be placed
15 on the ballot before candidates seeking nomination to represent a
16 district.

17 (c) **This subsection applies only before January 1, 2006.** This
18 subsection applies to a school board office or political office to be
19 elected at the primary election ballot. Candidates for a school board
20 office or a political party office shall be placed on the ballot in
21 accordance with the rules applicable to candidates for nomination to an
22 office under subsections (a) and (b).

23 (d) **This subsection applies after December 31, 2005. This**
24 **subsection applies to a political office to be elected at the primary**
25 **election. Candidates for a political party office shall be placed on**
26 **the ballot in accordance with the rules applicable to candidates for**
27 **nomination to an office under subsections (a) and (b)."**

28 Page 21, between lines 40 and 41, begin a new paragraph and insert:

29 "SECTION 35. IC 3-10-1-32 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 32. **This section**
31 **applies only before January 1, 2006.** Primary election returns must
32 contain the whole number of votes cast for:

- 33 (1) each candidate of each political party;
34 (2) each public question voted on at the primary election; and
35 (3) each candidate for election to a school board office or political
36 party office.

37 SECTION 36. IC 3-10-1-32.5 IS ADDED TO THE INDIANA
38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2004]: Sec. 32.5. **This section applies after December 31,**
40 **2005. Primary election returns must contain the whole number of**
41 **votes cast for:**

- 42 (1) **each candidate of each political party;**
43 (2) **each public question voted on at the primary election; and**
44 (3) **each candidate for election to a political party office."**

45 Page 48, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 83. IC 20-3-11-3.1, AS AMENDED BY P.L.38-2003, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3.1. (a) The board of school commissioners consists of seven (7) members. **Before January 1, 2006**, each member shall be elected on a nonpartisan basis in primary elections held in the county as specified in this section. **After December 31, 2005, each member shall be elected on a nonpartisan basis in general elections held in the county as specified in this section.** Five (5) of the members shall be elected from the school board districts in which they reside and two (2) members shall be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district. When a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. When a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for that candidate. When a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position. All members elected to the board serve four (4) year terms. A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates against whom the candidate runs. Districts shall be established within the school corporation by the state board of education. The districts shall be drawn on the basis of precinct lines and as nearly as practicable, of equal population with the population of the largest not to exceed the population of the smallest by more than five percent (5%). District lines must not cross precinct lines. The state board of education shall establish balloting procedures for the election under IC 3 and other procedures required to implement this section.

(b) Each member of the board of school commissioners serves under section 2 of this chapter. The vacancies in the board of school commissioners shall be filled temporarily by the school board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs, at which time the vacancy shall be filled for the remainder of the term.

(c) **Before January 1, 2006**, persons elected to serve on the board begin their terms on July 1 of the year of their election. **After December 31, 2005, persons elected to serve on the board begin their terms on January 1 following their election.**

(d) Notwithstanding any law to the contrary, voters shall cast their votes for school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for

1 which candidates have qualified to be on the election ballot must be
2 used for the school board offices.

3 SECTION 84. IC 20-3-21-3, AS AMENDED BY P.L.221-2001,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2004]: Sec. 3. (a) The governing body of the school
6 corporation consists of seven (7) members elected as follows:

7 (1) On a nonpartisan basis.

8 (2) **Before January 1, 2006**, in a primary election held in the
9 county.

10 **(3) After December 31, 2005, in a general election held in the**
11 **county.**

12 (b) The membership shall be comprised of the following:

13 (1) Six (6) of the members shall be elected from the school
14 districts under section 4 of this chapter. Each member shall be
15 elected from the school district in which the member resides but
16 shall, upon election and in conducting the business of the
17 governing body, represent the interests of the entire school
18 corporation.

19 (2) One (1) of the members elected may reside in any of the
20 districts drawn under section 4 of this chapter. Upon election and
21 in conducting the business of the governing body, the member
22 shall represent the interests of the entire school corporation.

23 SECTION 85. IC 20-3-21-8 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. **(a) This subsection**
25 **applies only before January 1, 2006. Except as provided in section**
26 **9 of this chapter**, the term of each person elected to serve on the
27 governing body is four (4) years, beginning July 1 following election.

28 **(b) This subsection applies after December 31, 2005. The term**
29 **of each person elected to serve on the governing body is four (4)**
30 **years, beginning January 1 following election.**

31 SECTION 86. IC 20-3-21-9, AS AMENDED BY P.L.221-2001,
32 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 UPON PASSAGE]: Sec. 9. **(a)** The members shall be elected as
34 follows:

35 (1) Three (3) of the members elected under section 3(b)(1) of this
36 chapter shall be elected at the primary election to be held in 2000
37 and ~~every four (4) years thereafter.~~ **in 2004.**

38 (2) Three (3) of the members elected under section 3(b)(1) of this
39 chapter shall be elected at the primary election to be held in 2002.
40 ~~and every four (4) years thereafter.~~

41 (3) The at-large member elected under section 3(b)(2) of this
42 chapter shall be elected at the primary election to be held in 2004.
43 ~~and every four (4) years thereafter.~~

44 **(b) The terms of office of the members elected under**
45 **subsection (a) shall be as follows:**

1 **(1) The terms of office of the three (3) members elected**
 2 **under subsection (a)(1) at the primary election to be held in**
 3 **2004 expire January 1, 2007.**

4 **(2) The term of office of the at-large member elected under**
 5 **subsection (a)(3) at the primary election to be held in 2004**
 6 **expires January 1, 2007.**

7 **(c) The successors of the members described in subsection (a)**
 8 **or (b) shall be elected as follows:**

9 **(1) The successors of the members described in subsection**
 10 **(b)(1) shall each be elected at the general election to be held**
 11 **in 2006 and every four (4) years thereafter.**

12 **(2) The successors of the members described in subsection**
 13 **(a)(2) shall each be elected at the general election to be held**
 14 **in 2006 and serve a term that expires January 1, 2009. The**
 15 **successors of these members elected at the general election**
 16 **to be held in 2006 shall each be elected at the general**
 17 **election to be held in 2008 and every four (4) years**
 18 **thereafter.**

19 **(3) The successor of the member described in subsection**
 20 **(b)(2) shall be elected at the general election to be held in**
 21 **2006 and every four (4) years thereafter.**

22 **SECTION 87. IC 20-3-22-5 IS AMENDED TO READ AS**
 23 **FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. To be eligible to be**
 24 **a candidate for the governing body under this chapter, the following**
 25 **apply:**

26 **(1) This subdivision applies only before January 1, 2006.** Each
 27 prospective candidate must file a nomination petition with the clerk
 28 of the circuit court at least seventy-four (74) days before the
 29 primary election at which the members are to be elected that
 30 includes the following information:

31 **(A) The name of the prospective candidate.**

32 **(B) Whether the prospective candidate is a district candidate or**
 33 **an at-large candidate.**

34 **(C) A certification that the candidate meets the qualifications**
 35 **for candidacy imposed under this chapter.**

36 **(D) The signatures of at least one hundred (100) registered**
 37 **voters residing within the school corporation.**

38 **(2) This subdivision applies after December 31, 2005. At least**
 39 **seventy-four (74) days before the general election at which**
 40 **the members are to be elected, each prospective candidate**
 41 **must file with the clerk of the circuit court a nomination**
 42 **petition that includes the following information:**

43 **(A) The name of the prospective candidate.**

44 **(B) Whether the prospective candidate is a district**

1 candidate or an at-large candidate.

2 (C) A certification that the candidate meets the
3 qualifications for candidacy imposed under this chapter.

4 (D) The signatures of at least one hundred (100)
5 registered voters residing within the school corporation.

6 (3) Each prospective candidate for a district position must:

7 (A) reside within the district; and

8 (B) have resided within the district for at least the three (3)
9 years immediately preceding the election.

10 ~~(3)~~ (4) Each prospective candidate for an at-large position must:

11 (A) reside within the boundaries of the school corporation; and

12 (B) have resided within the boundaries of the school
13 corporation for at least the three (3) years immediately
14 preceding the election.

15 ~~(4)~~ (5) Each prospective candidate (regardless of whether the
16 candidate is a district candidate or an at-large candidate) must:

17 (A) be a registered voter and must have been a registered voter
18 for at least the three (3) years immediately preceding the
19 election; and

20 (B) be a high school graduate or have received a:

21 (i) high school equivalency certificate; or

22 (ii) state of Indiana general educational development (GED)
23 diploma under IC 20-10.1-12.1.

24 ~~(5)~~ (6) A prospective candidate may not:

25 (A) hold any other elective or appointive office; or

26 (B) have a pecuniary interest in any contract with the school
27 corporation or its governing body;

28 as prohibited by law.

29 SECTION 88. IC 20-3-22-8 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) **This subsection**
31 **applies only before January 1, 2006.** Except as provided in ~~section~~
32 ~~9(2)~~ **section 9** of this chapter, the term of each person elected to serve
33 on the governing body is four (4) years, beginning July 1 following
34 election.

35 **(b) This subsection applies after December 31, 2005. The term**
36 **of each person elected to serve on the governing body is four (4)**
37 **years, beginning January 1 following election.**

38 SECTION 89. IC 20-3-22-9, AS AMENDED BY P.L.122-2000,
39 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 UPON PASSAGE]: Sec. 9. (a) The members shall be elected as
41 follows:

42 (1) Three (3) of the members shall be elected at the primary
43 election to be held in 2000 and ~~every four (4) years thereafter. in~~
44 **2004.**

45 (2) Two (2) of the members shall be elected at the primary

election to be held in 2002. ~~and every four (4) years thereafter.~~

(b) The terms of office of the members elected under subsection (a)(1) at the primary election to be held in 2004 expire January 1, 2007.

(c) The successors of the members described in subsection (a) or subsection (b) shall be elected as follows:

(1) The successors of the members described in subsection (b) shall each be elected at the general election to be held in 2006 and every four (4) years thereafter.

(2) The successors of the members described in subsection (a)(2) shall each be elected at the general election to be held in 2006 and serve a term that expires January 1, 2009. The successors of these members elected at the general election in 2006 shall each be elected at the general election to be held in 2008 and every four (4) years thereafter.

SECTION 90. IC 20-4-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) The county committee, in formulating a preliminary plan, shall, with respect to each of the community school corporations which are a part of the reorganization plan, determine the following:

(1) The name of the community school corporation.

(2) A general description of the boundaries of the community school corporation which may consist of identifying an existing school corporation where it is to be included in its entirety in such community school corporation. Where a boundary does not follow the boundary of an existing civil or school corporation, the description shall set out the boundary as near as reasonably possible by streets, rivers, and other similar boundaries which are known by common names, and where this is not thus possible, by section lines or other legal description. No such description shall be defective if there is a good faith effort to comply with the provisions of this subdivision, or if such boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee shall have the authority to require the services of the county surveyor in preparing a description of any boundary line.

(3) The number of members on the board of school trustees, which shall be either three (3), five (5), or seven (7), and whether such board of school trustees shall be elected or appointed. If appointed, when and by whom. If elected:

(A) for a preliminary plan adopted before July 1, 2004,
whether such election shall be at the primary or at the general election at which county officials are nominated or elected;
and

(B) for a preliminary plan adopted after June 30, 2004, the

- 1 **election shall be at a general election;**
 2 and subject to the provisions of sections 26.2 through 26.3 of this
 3 chapter, the manner in which such board of school trustees shall
 4 be elected or appointed.
- 5 (4) The compensation, if any, of the members of the regular and
 6 interim board of school trustees, which shall not exceed the
 7 amount provided in IC 20-5-3-6. If no compensation is provided
 8 in any plan adopted after March 15, 1963, such members shall be
 9 entitled to no compensation.
- 10 (5) Limitations on residence, term of office, and other
 11 qualifications required of the members of such board of school
 12 trustees. However, no plan shall provide for an appointive or
 13 elective term of more than four (4) years, but any member may
 14 serve more than one (1) consecutive term.
- 15 (6) The disposition of assets and liabilities in instances where an
 16 existing school corporation is divided.
- 17 (7) The disposition of school aid bonds, if any.
- 18 (b) In instances where existing school corporations are not divided
 19 the assets, liabilities, and obligations of the existing school corporations
 20 are to be transferred to and assumed by the new community school
 21 corporation of which they are a part, without any provisions therefor
 22 being made in the plan.
- 23 (c) The preliminary plan shall be supported by a summary statement
 24 of:
- 25 (1) the educational improvements its adoption will make possible;
 26 (2) data showing the assessed valuation, the number of resident
 27 pupils in average daily attendance in grades 1 through 12, the
 28 assessed valuation per each such pupil and the property tax levies,
 29 of each existing school corporation to which the plan applies, and
 30 such assessed valuation, resident average daily attendance and
 31 assessed valuation per pupil, of each proposed community school
 32 corporation if it were in existence in the year the preliminary plan
 33 is prepared or notices of a hearing or hearings thereon is given by
 34 the county committee; and
- 35 (3) any other data or information the county committee deems
 36 appropriate or that may be required by the state board in its rules.
- 37 (d) Such assessed valuations and tax rates shall be based on the
 38 valuations applying to taxes collected in the year the preliminary plan is
 39 prepared or notices of a hearing or hearings thereon is given by the
 40 county committee. The resident average daily attendance figures may
 41 be based on the calculation thereof under the rules pursuant to which
 42 they are submitted to the superintendent of public instruction by existing
 43 school corporations and shall be set out for the school year in progress
 44 in such year if they are available, or for the preceding school year if
 45 they are not. All such data and information shall be obtained by the
 46 county committee from any source deemed reliable by it, and the

1 statement by the county committee shall be sufficient whether or not
 2 exactly accurate, if there is a good faith effort on its part to comply
 3 with the provisions of this subsection.

4 SECTION 91. IC 20-4-1-26.4 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 26.4. (a) This section
 6 applies to each school corporation, whenever created.

7 (b) **This subsection applies only before January 1, 2007.** If a plan
 8 provides for the election of members of the board of school trustees of
 9 the community school corporation at a primary election, at the time
 10 provided by IC 3-8-2 for the filing of notice of candidacies for the
 11 primary election next following the creation of the community school
 12 corporation, nominations for members of the board of school trustees
 13 of the community school corporation may be made by a petition signed
 14 by the candidates and ten (10) registered voters residing within the
 15 boundaries of the community school corporation.

16 (c) A petition must be filed with the circuit court clerk of the county
 17 that contains the greatest percentage of population of the school
 18 corporation. If the plan requires residence in a specified district or
 19 voting solely in a specified district for a board member office, the
 20 petition must clearly state the residence or electoral district from or for
 21 which the person is a candidate. If a school corporation is located in
 22 more than one (1) county, the circuit court clerk shall, after determining
 23 that a petition complies with subsection (b), promptly certify to each
 24 circuit court clerk of a county in which the school corporation is
 25 located, the names of the candidates to be placed on the ballot.

26 (d) **This subsection applies only before January 1, 2006.** If a plan
 27 provides for an election of members of the board of school trustees at
 28 a general election, the filing of notice of candidates must be made in the
 29 manner provided for filing at primary elections under this section. The
 30 filing must be made within the same period of time before the general
 31 election as would have been required before the primary election had the
 32 election been held at the latter time.

33 (e) **This subsection applies after December 31, 2005. A plan**
 34 **must provide for the election of members of the board of school**
 35 **trustees of the community school corporation at a general**
 36 **election. Each candidate shall file a notice of candidacy in**
 37 **accordance with IC 3-8-2.5 by a petition signed by the candidate**
 38 **and by ten (10) registered voters residing within the boundaries of**
 39 **the community school corporation. The filing must be made within**
 40 **the time specified by IC 3-8-2.5-3.**

41 (f) **This subsection applies only before January 1, 2006.** All
 42 nominations shall be listed for each office in the form prescribed by
 43 IC 3-10-1-19 or IC 3-11-2, but without party designation. Voting and
 44 tabulation of votes shall be conducted in the same manner as voting and
 45 tabulation in primary elections are conducted. The precinct election

boards serving at each primary election in each county shall conduct the election for school board members. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the board of school trustees of the school corporation.

(g) This subsection applies after December 31, 2005. All nominations shall be listed for each office in the form prescribed by IC 3-11-2, but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in primary elections are conducted. The precinct election boards serving in each county shall conduct the election for school board members. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the board of school trustees of the school corporation.

~~(f)~~ **(h) This subsection applies only before January 1, 2006.** If the plan provides that the board of school trustees shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11-2, without party designation. Candidates elected shall be those having the greatest number of votes.

(i) This subsection applies after December 31, 2005. If the plan provides that the board of school trustees shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. Candidates elected are those having the greatest number of votes.

~~(g)~~ **(j) This subsection applies only before January 1, 2006.** If the plan provides that members of the board of school trustees are to be elected from residence districts by all voters in the community school corporation, nominees for the board of school trustees shall be placed on the ballot in the form prescribed by IC 3-10-1-19 or IC 3-11-2 by residence districts without party designation. The ballot must state the number of members to be voted upon and the maximum number that may be elected from each residence district as provided in the plan. A ballot is not valid where more than the maximum number are voted upon from a board member residence district. Candidates having the greatest number of votes are elected. However, if more than the maximum number that may be elected from a residence district are among those having the greatest number of votes, the lowest of those candidates from the residence districts in excess of the maximum number shall be eliminated in determining the candidates who are elected.

1 **(k) This subsection applies after December 31, 2005. If the plan**
 2 **provides that members of the board of school trustees are to be**
 3 **elected from residence districts by all voters in the community**
 4 **school corporation, nominees for the board of school trustees shall**
 5 **be placed on the ballot in the form prescribed by IC 3-11-2 by**
 6 **residence districts without party designation. The ballot must state**
 7 **the number of members to be voted on and the maximum number**
 8 **that may be elected from each residence district as provided in the**
 9 **plan. A ballot is not valid where more than the maximum number**
 10 **are voted on from a board member residence district. Candidates**
 11 **having the greatest number of votes are elected. However, if more**
 12 **than the maximum number that may be elected from a residence**
 13 **district are among those having the greatest number of votes, the**
 14 **lowest of those candidates from the residence districts exceeding**
 15 **the maximum number shall be eliminated in determining the**
 16 **candidates who are elected.**

17 ~~(h)~~ **(l) This subsection applies only before January 1, 2006. If**
 18 the plan provides that members of the board of school trustees are to
 19 be elected from electoral districts solely by the voters of each district,
 20 nominees residing in each electoral district shall be placed on the ballot
 21 in the form prescribed by IC 3-10-1-19 or IC 3-11-2, without party
 22 designation. The ballot must state the number to be voted on from the
 23 electoral district. Candidates residing in the electoral district having the
 24 greatest number of votes are elected.

25 **(m) This subsection applies after December 31, 2005. If the**
 26 **plan provides that members of the board of school trustees are to**
 27 **be elected from electoral districts solely by the voters of each**
 28 **district, nominees residing in each electoral district shall be placed**
 29 **on the ballot in the form prescribed by IC 3-11-2, without party**
 30 **designation. The ballot must state the number to be voted on from**
 31 **the electoral district. Candidates residing in the electoral district**
 32 **having the greatest number of votes are elected.**

33 SECTION 92. IC 20-4-1-26.5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 26.5. (a) This section
 35 applies to each school corporation, whenever created.

36 **(b) This subsection applies only before January 1, 2006.** If the
 37 board of school trustees is to be elected at the primary election, each
 38 registered voter may vote in the board of school trustee election without
 39 otherwise voting in the primary election.

40 **(c)** If a tie vote occurs among any of the candidates, the judge of the
 41 circuit court, or in case of a united school corporation, the judge of the
 42 circuit court of the county having the most pupils enrolled in the united
 43 school corporation, shall select one (1) of the candidates who shall be
 44 declared and certified elected.

(d) If after the first board of school trustees takes office, there is a vacancy on the board of school trustees for any reason, including the failure of the sufficient number of petitions for candidates being filed, and whether the vacating member was elected or appointed, the remaining members of the board of school trustees, whether or not a majority of the board, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation, with the residence and other qualifications provided for a regularly elected or appointed board member filling the office, to serve for the term or balance of terms respectively. If a tie vote occurs among the remaining members of the board or the board fails to act within thirty (30) days after any vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

(e) A vacancy in the board of trustees occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed as long as the member continues to be a resident of the school corporation.

(f) **This subsection applies only before January 1, 2006.** At the first primary or general election in which members of the board of school trustees are elected, a simple majority of the candidates elected as members of the board of school trustees who receive the highest number of votes shall be elected for four (4) year terms. The balance of the candidates elected as members of the board of school trustees receiving the next highest number of votes shall be elected for two (2) year terms. Thereafter, all school board members shall be elected for four (4) year terms.

(g) **This subsection applies after December 31, 2005. At the first general election in which members of the board of school trustees are elected, a simple majority of the candidates elected as members of the board of school trustees who receive the highest number of votes shall be elected for four (4) year terms. The balance of the candidates elected as members of the board of school trustees receiving the next highest number of votes shall be elected for two (2) year terms. Thereafter, all school board members shall be elected for four (4) year terms.**

(h) **This subsection applies only before January 1, 2006.** Board members elected in November take office and assume their duties on January 1 or July 1 after their election, as determined by the board of school trustees before the election. Board members elected in May take office and assume their duties on July 1 after their election.

(i) **This subsection applies after December 31, 2005. Board members elected in November take office and assume their duties on January 1 or July 1 after their election, as determined before**

the election by the board of school trustees.

SECTION 93. IC 20-4-3-1, AS AMENDED BY P.L.122-2000, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) In a community school corporation set up under IC 20-4-1 that has a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000), and that is the successor in interest to a school city having the same population, the governing body shall consist of a board of trustees of five (5) members elected in the manner provided in this chapter.

(b) At the 2000 primary election, ~~and at each primary election every four (4) years thereafter,~~ there shall be elected in each school corporation covered by this chapter two (2) school trustees, each of whom shall serve for four (4) years. The two (2) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.

(c) At the 2002 primary election, ~~and at each primary election every four (4) years thereafter,~~ there shall be elected in each school city covered by this chapter three (3) school trustees each of whom shall serve for four (4) years. The three (3) candidates for the office of school trustee receiving the highest number of votes at the election take office on July 1 next following the election.

(d) **The successors to the school trustees elected under subsection (b) shall be elected at the primary election to be held in 2004 and shall serve a term of office that expires on January 1, 2007.**

(e) **The successors to the school trustees elected under subsection (c) shall be elected at the primary election to be held in 2006 and shall serve a term of office that expires on January 1, 2009.**

(f) **The successors to the school trustees elected under subsection (d) shall be elected at the general election to be held in 2006 and every four (4) years thereafter.**

(g) **The successor to the school trustees elected under subsection (e) shall be elected at the general election to be held in 2008 and every four (4) years thereafter.**

(h) The school trustees shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this section.

SECTION 94. IC 20-4-3-2, AS AMENDED BY P.L.176-1999, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) As used in this section, "county election board" includes a board of elections and registration under IC 3-6-5.2.

(b) The board of school trustees shall be elected on a general ticket for a term of four (4) years by the voters of any such school city. A voter may vote in such primary election for school trustees without

otherwise voting and without declaring party preference. The members of such board shall be elected at the time of the primary elections as provided in section 1 of this chapter and shall be taken from the city at large without reference to district. Such election shall be held under IC 3-10-1, insofar as it is not inconsistent with this chapter.

(c) At the time provided by law for the filing of declaration of candidacy for the primary election in which members of the board of school trustees are to be elected as provided for in this chapter, legal voters of such city may present names of candidates for election as members of the board of school trustees to the county election board in each county in which is situated a school city subject to this chapter as follows:

(1) Each candidate shall be proposed in a petition in writing signed by not fewer than two hundred (200) legal voters of such school city.

(2) Not more than one (1) candidate may be named in any one (1) petition.

(3) No legal voter may sign petitions for a greater number of candidates than the number of school trustees to be elected in the primary election concerned.

(d) Upon the presentation of such petition to the county election board, the board shall publish the names proposed in accordance with IC 5-3-1 and shall certify such nominations in the manner as required by law. Such election shall be conducted in accordance with IC 3.

(e) The county election board shall prepare the ballot for the primary election at which school trustees are to be elected as provided in this section so that the names of the candidates nominated for the office of school trustee appear on the ballot in alphabetical order, without party designation and in the form prescribed by IC 3-10-1-19. The name of any candidate shall not be published and placed on the ballot by the county election board if the candidate is ineligible for membership on the board of school trustees under this chapter. Each voter may vote for as many candidates as there are school trustees to be elected.

(f) This section applies only before January 1, 2006.

SECTION 95. IC 20-4-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 2.5. (a) This section applies after December 31, 2005.**

(b) As used in this section, "county election board" includes a board of elections and registration under IC 3-6-5.2.

(c) The voters of the school city shall elect the board of school trustees at a general election for a term of four (4) years. The members of the board shall be elected from the city at large without reference to district.

(d) Each candidate for election to the board of school trustees shall file a notice of candidacy with the county election board in

1 each county in which a school city subject to this chapter is
 2 located. The notice of candidacy must comply with IC 3-8-2.5 and
 3 the following requirements:

4 (1) The notice must be a written petition signed by at least
 5 two hundred (200) legal voters of the school city.

6 (2) Each petition may nominate only one (1) candidate.

7 (3) Each legal voter may sign petitions equal in number to
 8 the number of school trustees to be elected.

9 (e) After all of the petitions described in subsection (d) are filed
 10 with the county election board, the board shall publish the names
 11 of those nominated in accordance with IC 5-3-1 and shall certify
 12 the nominations in the manner required by law. IC 3 governs the
 13 election to the extent that it is not inconsistent with this chapter.

14 (f) The county election board shall prepare the ballot for the
 15 general election at which school trustees are to be elected so that
 16 the names of the candidates nominated for the office of school
 17 trustee appear on the ballot:

18 (1) in alphabetical order;

19 (2) without party designation; and

20 (3) in the form prescribed by IC 3-11-2.

21 (g) The county election board shall not publish or place on the
 22 ballot the name of a candidate who is not eligible under this
 23 chapter for membership on the board of school trustees.

24 (h) Each voter may vote for as many candidates as there are
 25 school trustees to be elected.

26 SECTION 96. IC 20-4-8-6 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) The first county
 28 board of education shall be composed of three (3) persons residing in
 29 different school board member districts who shall be elected by the
 30 trustees of the townships included in said county school corporation in
 31 a meeting to be called by the county superintendent of schools and held
 32 for that purpose within one (1) week after the establishment of said
 33 board member districts by the board of commissioners and the judge of
 34 the circuit court shall appoint two (2) members from different board
 35 member districts. Such appointments shall be filed with the clerk of the
 36 circuit court not later than the day following the respective elections and
 37 appointments. The members of the county board of education shall
 38 serve until their successors are elected or appointed and qualified.

39 (b) **This subsection applies only before January 1, 2006.** The
 40 first meeting of the first board of education shall be held within one (1)
 41 month following the creation of such county school corporation. It shall
 42 be called by the county superintendent of schools. At such first meeting
 43 the board shall organize, and during the first ten (10) days of each
 44 succeeding July it shall reorganize, by electing a president, a vice

1 president, a secretary, and a treasurer.

2 **(c) This subsection applies after December 31, 2005. The first**
 3 **meeting of the first board of education shall be held within one (1)**
 4 **month after the creation of the county school corporation. The**
 5 **first meeting shall be called by the county superintendent of**
 6 **schools. At the first meeting, the board shall organize, and each**
 7 **year during the first ten (10) days after the date members elected**
 8 **or appointed to a new term take office, the board shall reorganize**
 9 **by electing a president, a vice president, a secretary, and a**
 10 **treasurer.**

11 **(d)** The secretary of the board shall keep an accurate record of the
 12 minutes of the board, which minutes shall be kept in the county
 13 superintendent's office. The county superintendent shall act as
 14 administrator of the board and shall carry out such acts and duties as
 15 shall be designated by the board.

16 ~~(d)~~ **(e)** A quorum shall consist of a majority of the members of the
 17 board which in all cases shall be required for the transaction of
 18 business. The vote of a majority of those present shall be required for
 19 any motion, ordinance, or resolution to pass.

20 ~~(e)~~ **(f)** The board shall conduct its affairs in the manner prescribed
 21 herein elsewhere for conduct of county boards of education, shall
 22 except in unusual cases hold its meetings at the office of the county
 23 superintendent of schools or at a place mutually designated by the board
 24 and the superintendent, and shall maintain all records and transact all
 25 business from such place.

26 ~~(f)~~ **(g)** The county board of education shall have the power to pay
 27 each member of the board a reasonable per diem for service on the
 28 board not to exceed one hundred twenty-five dollars (\$125) per year
 29 and for travel to and from their homes to the place of meeting within
 30 the county a sum for mileage at a rate determined by the county fiscal
 31 body.

32 SECTION 97. IC 20-4-8-8 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) At the time
 34 provided by IC 3-8-2-4 for filing a declaration of candidacy for the
 35 primary election next following the creation of the county school
 36 corporation as provided in this chapter, nominations for members of the
 37 board of education of said county school corporation shall be made by
 38 a petition signed by the nominee and ten (10) voters of the county
 39 residing in the same board member district as the nominee, which shall
 40 be filed with the clerk of the circuit court in the respective county.
 41 Such nominations shall be listed by board member districts on the
 42 primary election ballot as prescribed by IC 3-10-1-19, but without party
 43 designation.

44 (b) Voting and tabulation of votes shall be conducted in the same
 45 manner as in primary elections under IC 3-10-1. The candidates elected

1 from each board member district and at large shall be the persons
 2 having the greatest number of votes. If in the first election more than
 3 two (2) candidates in any one (1) board member district shall be among
 4 those who received the greatest number of votes or if in any subsequent
 5 election more than one (1) person shall be among those who received
 6 the greatest number of votes, then the candidate or candidates
 7 respectively receiving the next greatest number of votes in other board
 8 member districts respectively shall be declared elected. In the event of
 9 a tie vote for any of said candidates, the judge of the circuit court shall
 10 select one (1) of said candidates who shall be declared and certified
 11 elected.

12 (c) If at any time there shall occur a vacancy or vacancies on the
 13 board for any reason including the failure of the sufficient number of
 14 petitions for candidates being filed, it shall be the duty of the judge of
 15 the circuit court to fill said vacancies by appointing a person or persons
 16 from the respective board member district or districts to serve for the
 17 term or balance of terms respectively.

18 (d) At the first primary election wherein members of the county
 19 board of education shall be elected, the three (3) candidates who receive
 20 the highest number of votes in each of the respective board member
 21 districts shall be elected for four (4) year terms and the two (2)
 22 candidates from different districts receiving the next highest number of
 23 votes respectively shall be elected for two (2) year terms. All candidates
 24 for membership on the county board of education shall be voted upon
 25 by the voters in the county school corporation district only and shall be
 26 elected for four (4) year terms after the first election and shall take
 27 office and assume their duties one (1) week after their election.

28 **(e) This section applies only before January 1, 2006.**

29 SECTION 98. IC 20-4-8-8.5 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2004]: **Sec. 8.5. (a) This section applies after December 31, 2005.**

32 **(b) At the time provided by IC 3-8-2.5 for filing a declaration**
 33 **of candidacy for the general election following the creation of the**
 34 **county school corporation as provided in this chapter, nominations**
 35 **for members of the board of education of the county school**
 36 **corporation shall be made by a petition signed by the nominee and**
 37 **by ten (10) voters of the county residing in the same board**
 38 **member district as the nominee. The petition shall be filed with**
 39 **the clerk of the circuit court for the county. The nominations shall**
 40 **be listed by board member districts on the general election ballot**
 41 **as prescribed by IC 3-11-2, but without party designation.**

42 **(c) Voting and tabulation of votes shall be conducted in the**
 43 **same manner as in general elections under IC 3. The candidates**
 44 **elected from each board member district and at large are the**
 45 **persons having the greatest number of votes. If in the first**

election more than two (2) candidates in any one (1) board member district are among those who received the greatest number of votes or if in any subsequent election more than one (1) person is among those who received the greatest number of votes, the candidate or candidates respectively receiving the next greatest number of votes in other board member districts respectively are elected. If there is a tie vote for any of the candidates, the judge of the circuit court shall select one (1) of the candidates who shall be declared and certified elected.

(d) If at any time a vacancy occurs on the board for any reason, including the failure to file a sufficient number of petitions for candidates, the judge of the circuit court shall fill the vacancy by appointing a person from the board member district in which the vacancy exists to serve for the balance of the term.

(e) At the first general election where members of the county board of education are to be elected, the three (3) candidates who receive the highest number of votes in each of the respective board member districts shall be elected for four (4) year terms and the two (2) candidates from different districts receiving the next highest number of votes respectively shall be elected for two (2) year terms. Only voters in the county school corporation district are entitled to vote for candidates for the county board of education. Board members are elected for four (4) year terms after the first election and shall take office and assume their duties January 1 following the election. However, board members elected in the first election shall take office after their election is certified.

SECTION 99. IC 20-4-8-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16. (a) The first metropolitan board of education shall be composed of the respective trustees and members of school boards of the school corporations forming the same who shall serve ex officio as members thereof subject to all the laws relative to length of terms, powers of election, or appointment and filling vacancies applicable to their respective offices.

~~Provided, however, That~~ (b) If, with respect to any metropolitan school district created after March 15, 1963, the operation of this provision results in there being only two (2) board members, such two (2) members shall appoint a third board member within ten (10) days following the creation of such metropolitan school district; in the event such two (2) members are unable to agree on, or do not make, the appointment of a third board member within such period, he shall be appointed within twenty (20) days following the creation of such district by the judge of the circuit court of the county in which such metropolitan school district is located, or in the event it is located in two

(2) or more counties, by the judge of the circuit court of the county containing that portion of the metropolitan school district having more pupils than the portion or portions located in any other county or counties. The members of the metropolitan board of education shall serve until their successors are elected or appointed and qualified.

(c) The first meeting of the first board of education shall be held within one (1) month following the creation of such metropolitan school district. It shall be called by the superintendent of schools, or township trustee of a school township, of the school corporation in said district having the largest number of pupils. At such first meeting the board shall organize, and during the first ten (10) days of each succeeding July, **through December 31, 2005**, it shall reorganize, by electing a president, a vice-president, a secretary, and a treasurer. **After December 31, 2005, each year during the first ten (10) days after the board members that are elected or appointed to a new term take office, the board shall reorganize by electing a president, a vice president, a secretary, and a treasurer.**

(d) The secretary of the board shall keep an accurate record of the minutes of the board, which minutes shall be kept in said superintendent's office. Whenever such metropolitan school district shall be formed, the metropolitan superintendent shall act as administrator of the board and shall carry out such acts and duties as shall be designated by the board. A quorum shall consist of a majority of the members of the board which in all cases shall be required for the transaction of business. The vote of a majority of those present shall be required for any motion, ordinance, or resolution to pass.

(e) The board shall conduct its affairs in the manner prescribed herein elsewhere for conduct of metropolitan boards of education, shall except in unusual cases hold its meetings at the office of the metropolitan superintendent of schools or at a place mutually designated by the board and the superintendent, and shall maintain all records and transact all business from such place.

(f) The metropolitan board of education shall have the power to pay to each member of the board a reasonable per diem for service on the board not to exceed one hundred twenty-five dollars (\$125) per year and for travel to and from their homes to the place of meeting within the district, a sum for mileage equal to that sum per mile paid to state officers and employees. The rate per mile shall change each time the state government changes its rate per mile."

Page 50, between lines 1 and 2, begin a new paragraph and insert:

"(f) This section applies only before January 1, 2006.

SECTION 101. IC 20-4-8-18.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 18.3. (a) This section applies after December 31, 2006.**

1 (b) The registered voters of the metropolitan school district
2 shall elect the members of the metropolitan board of education at
3 general elections held biennially commencing with the next
4 general election that is held more than sixty (60) days after the
5 creation of the metropolitan school district as provided in this
6 chapter.

7 (c) Each nominee for the board of education shall file a petition
8 signed by the nominee and by ten (10) registered voters residing
9 in the same board member district as the nominee. The petition
10 shall be filed in accordance with IC 3-8-2.5 with the clerk of the
11 circuit court in each county in which the metropolitan school
12 district is located.

13 (d) Nominees for the metropolitan board of education shall be
14 listed on the general election ballot:

- 15 (1) in the form prescribed by IC 3-11-2;
- 16 (2) by board member districts; and
- 17 (3) without party designation.

18 The ballot must state the number of board members to be voted
19 on and the maximum number that may be elected from each
20 board member district as provided under section 15 of this
21 chapter.

22 (e) A ballot that contains more votes than the maximum
23 number allowed from a board member district is invalid. The
24 precinct election boards in each county serving at the general
25 election shall conduct the election for members of the
26 metropolitan board of education. Each registered voter may vote
27 in the school board election without otherwise voting in the
28 general election.

29 (f) Voting and tabulation of votes shall be conducted in
30 accordance with IC 3, and the candidates having the greatest
31 number of votes are elected to the metropolitan school board.

32 (g) If, in an election of members of a metropolitan board of
33 education, there are more candidates from a particular board
34 member district than may be elected from the board member
35 district under section 15 of this chapter:

- 36 (1) the number of candidates elected is the highest number
37 that may be elected from the board member district;
- 38 (2) the candidates elected are those who, among the
39 candidates from the board member district, received the
40 highest number of votes; and
- 41 (3) the other candidates from the board member district are
42 eliminated.

43 (h) If there is a tie vote among the candidates for the

metropolitan board of education, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of the candidates who shall be declared and certified elected.

(i) If, at any time after the first board member election, a vacancy on the metropolitan board of education occurs for any reason, including an insufficient number of petitions for candidates being filed, and regardless of whether the vacating member was elected or appointed, the remaining members of the metropolitan board of education, whether or not a majority of the board, shall by a majority vote fill the vacancy by:

(1) appointing a person from the board member district from which the person who vacated the board was elected; or

(2) if the person was appointed, appointing a person from the board member district from which the last elected predecessor of the person was elected.

If a majority of the remaining members of the board are unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment.

(j) At a general election held the earlier of:

(1) more than sixty (60) days after an elected board member vacates membership on the board; or

(2) immediately before the end of the term for which the vacating member was elected;

a successor to the appointed board member shall be elected. Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the vacating member's term. In any election for a successor board member to fill a vacancy for the balance of a term, candidates for school board membership need not file for or with reference to the vacancy. The candidate who receives the lowest number of votes at the election shall serve as the successor board member for the balance of the term.

(k) At the first general election where members of the metropolitan board of education shall be elected under this section, a simple majority of the elected candidates who receive the highest number of votes shall be elected for four (4) year terms and the balance of the elected candidates who receive the lower number of votes shall be elected for two (2) year terms.

(l) Board members shall be elected for four (4) year terms after the first election and shall take office January 1 following the

election.

SECTION 102. IC 20-4-8-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 24. (a) As used in this section, "school township" means any school township of this state which:

(1) for the last full school semester immediately preceding the adoption of a preliminary resolution by the township trustee and the township board under subsection (f) or their adoption of a resolution of disapproval under subsection (g) had an average daily membership (as defined in IC 21-3-1.6-1.1(d)) of six hundred (600) pupils in kindergarten through grade 12 in the public schools of such school township; or

(2) is part of a civil township in which there were more votes cast for township trustee outside the school township than inside the township in the general election at which such trustee was elected and that last preceded the adoption of such preliminary or disapproving resolution.

(b) As used in this section, "township trustee" means the township trustee of the civil township in which such school township is located.

(c) As used in this section, "township board" means the township board of the civil township in which such school township is located.

(d) As used in this section, "county" means the county in which such school township is located.

(e) In any school township, there may be created a metropolitan school district by complying with this section. Such metropolitan school district shall have the same boundaries as the school township. After such district has been created, the school township out of which the metropolitan school district was created shall be abolished. None of the procedures or provisions governing the creation of a metropolitan school district under any other section of this chapter are applicable to the creation of such district under this section. After such district is created under this section, the metropolitan school district shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section 12 of this chapter.

(f) A metropolitan school district provided for in subsection (e) may be created in the following manner:

(1) The township trustee shall call a meeting of the township board. At such meeting the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice by publication by two (2) insertions one (1) week apart in a newspaper of general circulation published in the school township, or if there be no such newspaper, then in a newspaper of general circulation in the county, of the adoption of such resolution setting forth the text of the resolution.

(2) On the thirtieth day following the date of the last publication of such notice, and if no protest has been filed, the township trustee and a majority of the township board shall confirm their preliminary resolution. If, however, on or before the twenty-ninth day following the date of the last publication of such notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district shall be created in the township in accordance with such preliminary resolution, then an election shall be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall each be adopted at a meeting of the township trustee and township board of which meeting the township trustee and each member of the township board received or waived a written notice of the time, place, and purpose of the meeting. Such resolution and the proof of service or waiver of such notice shall be made a part of the records of the township board.

(g) A metropolitan school district provided for in subsection (e) may also be created in the following manner:

(1) A number of registered voters of the school township, equal to five percent (5%) or more of the votes cast in the school township for secretary of state at the last general election for that office, shall sign and file with the township trustee a petition requesting the creation of a metropolitan school district under this section.

(2) The township trustee and a majority of the township board shall, within ten (10) days after the filing of a petition, either adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f) or adopt a resolution disapproving such creation.

(3) If either the township trustee or a majority of township board members vote in favor of such disapproving resolution, an election shall be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) where an election is requested by petition.

(h) Any election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with any primary or general election to be held within one hundred twenty (120) days after the filing of such petition under subsection (f) or the adoption of such disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of such

election by two (2) insertions one (1) week apart in a newspaper of general circulation in the school township, or if there is no such newspaper, then in a newspaper of general circulation published in the county. Such notice shall provide that on a day and at an hour named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township upon whether a metropolitan school district shall be created in the township. Such election shall be held not less than twenty (20) days and not more than thirty (30) days following the last publication of such notice unless a primary or general election will be conducted within six (6) months after the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. In the event such election is to be a special election, the township trustee shall give such notice within thirty (30) days after the filing of such petition or the adoption of such disapproving resolution.

(i) On the day and hour named in such notice, the polls shall be opened and the votes of the voters shall be taken upon the question of whether a metropolitan school district shall be created in the school township. Such election shall be governed by IC 3 except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall a metropolitan school district under IC 20-4-8 be formed in the _____ School Township of _____ County, Indiana?". (In which blanks the name of the school township shall be inserted.)

(j) The votes cast in such election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder of the county. If the special election is not conducted at a primary or general election, the expense of holding the election shall be paid by the school township out of the special school fund which is hereby appropriated for such purpose.

(k) Such metropolitan school district shall, subject to section 17 of this chapter, be created and come into being on the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the holding of an election under subsection (h). In the event any public official shall fail to do the official's duty within the time prescribed in this section, this omission shall not invalidate the proceedings taken under this section. No action to contest the validity of the formation or creation of such metropolitan school district under this section, to declare that it has not been validly formed or created or is not validly existing, or to enjoin its operation shall be instituted later than the thirtieth day following the date of the adoption of the

1 confirming resolution under subsection (f) or of the holding of an
 2 election under subsection (h). Notwithstanding this section, no election
 3 under this subsection shall be held sooner than twelve (12) months
 4 following any other such election held under subsection (h).

5 (l) Such metropolitan school district shall be known as "The
 6 Metropolitan School District of _____ Township,
 7 _____ County, Indiana". The first metropolitan board of
 8 education in any metropolitan school district created in accordance with
 9 this section shall consist of five (5) members. The township trustee and
 10 the township board members shall be ex officio members of such first
 11 board, subject to all the laws relative to length of their respective terms
 12 of office, manner of election or appointment, and the filling of
 13 vacancies applicable to their respective offices. Such ex officio
 14 members serve without other compensation or reimbursement for
 15 expense than that to which their respective offices entitle them. The
 16 township board shall, by a resolution duly recorded in its records,
 17 appoint the fifth member of such metropolitan board of education. Such
 18 fifth member shall meet all of the qualifications of a member of a
 19 metropolitan board of education under this chapter, with the exception
 20 of the board member district requirements provided in sections 14, 15,
 21 ~~and~~ 18, **and 18.3** of this chapter, which shall not apply to such fifth
 22 board member.

23 (m) **This subsection applies only before January 1, 2006.** Such
 24 fifth board member shall be appointed within fifteen (15) days following
 25 the date of the adoption of the confirming resolution under subsection
 26 (f)(2) or of the holding of an election under subsection (h). Such first
 27 board shall hold its first meeting within fifteen (15) days thereafter on
 28 a date established by the township board in the resolution in which it
 29 appoints such fifth board member. The first board shall serve until July
 30 1 next following the election of a metropolitan school board at the first
 31 primary election held more than sixty (60) days following the creation
 32 of the metropolitan school district.

33 (n) **This subsection applies after December 31, 2005. The fifth**
 34 **board member shall be appointed within fifteen (15) days after the**
 35 **adoption of the confirming resolution under subsection (f)(2) or of**
 36 **the holding of an election under subsection (h). The first board**
 37 **shall hold its first meeting within fifteen (15) days after the**
 38 **appointment of the fifth board member on a date established by**
 39 **the township board in the resolution in which the township board**
 40 **appoints the fifth board member. The first board shall serve**
 41 **through January 1 following the election of a metropolitan school**
 42 **board at the first general election held more than sixty (60) days**
 43 **after the creation of the metropolitan school district.**

44 (o) After the creation of a metropolitan school district in accordance
 45 with this section, the president of the metropolitan school board of such

district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee as provided by law. The metropolitan school board and superintendent of such district shall be entitled to call upon the assistance of, and use any of the services provided by, the county superintendent of schools. This subsection shall not, however, limit or take away the powers, rights, privileges, or duties of such metropolitan school district or the board or superintendent of such district provided in this chapter.

SECTION 103. IC 20-4-10.1-2, AS AMENDED BY P.L.170-2002, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) Any plan or proposed plan shall contain at least the following items:

(1) The number of members of the governing body, which shall be either three (3), five (5), or seven (7).

(2) Whether the governing board shall be elected or appointed.

(3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-4-1-26.3.

(4) If elected:

(A) for a plan that is final before January 1, 2006, whether the election shall be at the primary or at the general election at which county officials are nominated or elected; **or**

(B) for a plan that is final after December 31, 2005, a statement that the election shall be at a general election at which county officials are nominated or elected;

and a general description of the manner of election that conforms with the requirements of IC 20-4-1-26.2.

(5) The limitations, if any, on residence, term of office, and other qualifications required by members of the governing body.

(6) The time when the plan takes effect.

Any plan or proposed plan may have any additional details, necessary or desirable, to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of any members of the governing body taking office under the plan.

(b) Notwithstanding subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have as many as nine (9) members.

SECTION 104. IC 20-4-10.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. ~~Limitation on Elections and Adoption of Plan. No (a) An election shall may not be held under this chapter more than once each eighteen (18) months. No plan for any A governing body may be adopted not adopt a plan more~~

than once each six (6) years, except:

~~(1) where the plan provides solely for changing the time of voting of board members from the primary to the general election, or from the general to the primary election;~~

~~(2) (1)~~ in the event any plan adopted is declared or held to be invalid by a binding judgment or order in any United States or Indiana court from which no appeal or further approval can be taken; or

~~(3) (2)~~ where the plan provides solely for changes in items specified in section 2(5) of this chapter.

(b) After December 31, 2005, board members are elected at the general election.

SECTION 105. IC 20-4-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) The board members of the merged school corporation shall be elected at the first **primary general** election following its creation, and vacancies shall be filled in accordance with IC 20-4-1-26.5.

(b) Until ~~such~~ the first election **described in subsection (a)**, the board of trustees of the merged school corporation shall consist of the members of the governing body of any school corporation in the county other than a school township and the township trustee of any school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. Such name may be changed from time to time by unanimous vote of the governing body of the merged school corporation."

Page 50, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 108. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding IC 20-3-11-3.1, IC 20-4-1-26.5, IC 20-4-8-8, and IC 20-4-8-18, all as amended by this act, and IC 20-4-10.1-3, a person elected to a school board office at the primary election to be held in 2004 shall serve a term of office that expires on January 1, 2007.**

(b) The successors to a person described in subsection (a) shall

- 1 **be elected at the general election held in 2006 and each four (4)**
- 2 **years thereafter.**
- 3 **(c) This SECTION expires January 1, 2017."**
- 4 Renumber all SECTIONS consecutively.
 (Reference is to ESB 72 as printed February 13, 2004.)

Representative Ayres